



City of San Antonio

Agenda Memorandum

File Number:15-5583

Agenda Item Number: 14.

Agenda Date: 10/28/2015

In Control: Planning Commission

DEPARTMENT: Department of Planning and Community Development

DEPARTMENT HEAD: John M. Dugan

COUNCIL DISTRICTS IMPACTED: 2

SUBJECT:

An Interlocal Agreement with the City of Windcrest in lieu of a Municipal Boundary Adjustment from the City of San Antonio to the City of Windcrest.

SUMMARY:

A Resolution approving an Interlocal Agreement with the City of Windcrest.

BACKGROUND INFORMATION:

The City of San Antonio received a resolution from the City of Windcrest, signed on June 2, 2014, requesting the City of San Antonio cede 0.86 of an acre of real property to the City of Windcrest. State law, Sec. 43.031 of the Texas Local Government Code, provides authority for adjacent municipalities to make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width.

The narrow extent of land between Interstate Highway 35 and the current city limits line, which ranges in width between 32 feet and 38 feet, has historically been served by the City of Windcrest, due to the balance of the property being located in the City of Windcrest. The parcels along this stretch of Interstate Highway 35 access road are private property which has caused jurisdictional confusion regarding the development process. The municipal boundary adjustment would enable the entire area to be located in the City of Windcrest which has been providing municipal services to the area.

On May 13, 2015, the Planning Commission recommended approval of the MBA. On May 20, 2015, the

Infrastructure and Growth Committee considered the MBA request and tabled the item directing staff to look at the impact of the proposed MBA on the Bexar Water Control and Improvement District No. 10 (WCID No. 10) due to concerns received from Windcrest citizens.

Upon analyzing the impact of the proposed MBA on WCID No. 10 it was determined by the City Attorney's Office that the City of Windcrest would be granted the ability to dissolve WCID No. 10 as it would begin to solely serve the City of Windcrest. Staff also learned of a substantial amount of Windcrest citizens against the MBA as they viewed it as an attempt by the City of Windcrest to dissolve WCID No. 10. As a result, staff decided to pursue alternative options.

With the analysis of the MBA impact complete, staff met with officials from the City of Windcrest and WCID No. 10 to discuss the proposed staff recommendation. Staff assessed two options. Option one was to conduct an exchange of property, the City of San Antonio would give the City of Windcrest the property they desired in exchange for additional Windcrest property, this would allow WCID No. 10 to operate in two jurisdictions and would not allow the City of Windcrest to solely dissolve WCID No. 10. However, Windcrest City officials stated they did not have any property to exchange MBA. Option two was to conduct an Interlocal Agreement that grants authority to the City of Windcrest for subdivision and building permitting to streamline the development process along the IH 35 corridor. Staff is recommending option two, the Interlocal Local Agreement option, in lieu of the Municipal Boundary Adjustment.

The proposed agreement is a one-year term, renewable on an annual basis. Terms of the Interlocal Agreement include granting Windcrest the authority and responsibility of:

- Subdivision platting and the permitting and inspection of construction within the subject area will be in accordance with the standards and procedures of the City of Windcrest, including but not limited to all applicable provisions of the Windcrest City Code, the Windcrest Comprehensive Plan.
- Platting, construction permit, and inspection applications and requests, and for the collection of all required fees, including but not limited to, fees for recording the approved plat with the County Clerk.
- Enforcement of all applicable federal, state, and Windcrest laws, ordinances, regulations and codes, including but not limited to platting requirements, building permit application requirements, zoning regulations, and building codes.
- Performing all relevant functions including, but not limited to, application materials review, plat review, permit issuance, construction and post-construction inspections, and issuance of certificates of occupancy.
- Access to construction sites by inspectors, having control and approval authority of construction, and authority to halt construction.
- Exclusive control over the formulation and enforcement of regulations pertaining to floodplain development within the area.
- Responsible for recording plats or causing plats to be recorded with the County Clerk's Office, and will provide San Antonio an annual summary of recorded plats that lie within the area

San Antonio will continue its authority regarding:

- Enforcing San Antonio's Water Quality Control and Pollution Prevention Ordinance to the extent currently provided in the City Code, Chapter 34, Article VI, of the City Code, and San Antonio Water System retaining exclusive jurisdiction to enforce Chapter 34, Article VI, of the City Code.

ISSUE:

The subject area consists of commercial frontage, with private driveways, sidewalks, and utility poles. The Annexation Policies recommend logical boundaries in order to prevent confusion between jurisdictions and to

provide efficient service delivery.

The WCID No. 10 indicated that, in accordance with section 43.071 of the Texas Local Government Code, if the district is wholly in the boundaries of Windcrest, it could be annexed and/or dissolved by Windcrest. The City Attorney's Office confirmed this assumption. WCID No. 10 along with a substantial amount of Windcrest citizens requested that the City of San Antonio not adjust the boundary because then the district would be entirely in the city limits of Windcrest and would therefore be able to be dissolved by the City of Windcrest. The City of Windcrest claims it has no desire to dissolve the district but rather needs the boundary adjusted to promote its economic development and allow potential businesses along the I.H. 35 to build without going through the COSA platting and permitting process.

As an alternative to the Municipal Boundary Adjustment, staff recommends entering into an Interlocal Agreement (ILA) with the City of Windcrest to allow Windcrest to have subdivision and building permitting authority, thus addressing jurisdictional issues related to development. The City of San Antonio would continue to assess taxes for the subject area.

ALTERNATIVES:

Denial of the Interlocal Agreement.

FISCAL IMPACT:

There would be no fiscal impact with the Interlocal Agreement. Taxes would be collected on the subject properties within the City of San Antonio jurisdiction.

RECOMMENDATION:

Staff recommends approval of entering into an Interlocal Agreement with the City of Windcrest.

Neighborhoods and Livability Committee recommended approval on October 19, 2015.